

State of California
State Water Resources Control Board

In the Matter of Renewal of)
Temporary Permit 19806)
(Application 28800))
)
Grassland Water District)
Permittee)
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Order: WR 86- 6
Source: San Joaquin River
County: Fresno

FINDINGS AND ORDER VALIDATING THE RENEWAL
OF CONDITIONAL TEMPORARY PERMIT

BY THE BOARD:

The Grassland Water District (Grassland) having filed Application 28800 for a conditional temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; Grassland having filed a petition for renewal under Section 1431; the Board having consulted with the California Department of Fish and Game; Board Member Samaniego having concluded from available information that Grassland was entitled to renewal of conditional temporary permit 19806 to divert and use water, subject to review and validation by the Board as provided by Board Resolution 77-16; the Board having reviewed the record summarized below; the Board having considered all objections that have been received; the Board finds as follows:

1. The petition is for renewal of a temporary permit to directly divert water from the San Joaquin River at the Mendota Pool in Fresno County for the purpose of wildlife enhancement and recreation purposes.

2. Grassland seeks to divert up to 20,000 acre-feet of flood waters at a rate up to 300 cubic feet per second through existing facilities operated by Central California Irrigation District (CCID) during the period April 2 through May 31, 1986. The water will be diverted from the Mendota Pool into CCID's main and outside canals. The points of diversion are located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 of T13S, R15E and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 of T13S, R15E, MDB&M. The water will be used to enhance up to 49,500 acres of wetland habitat in Grassland.

Grassland Has a Pending Application to Appropriate Water

3. Grassland has a pending application (28712) with the Division of Water Rights to appropriate water on a long-term basis at times when water is available for appropriation in the San Joaquin River System at the Mendota Pool.

Grassland Has a Need to Use Water Under Unforeseen Emergency Conditions

4. In 1985, Grassland was informed that its usual water supply from upslope agricultural areas with tile drains contained elevated levels of selenium. The U.S. Fish and Wildlife Service stated that the levels of selenium are such that the water could be harmful to waterfowl if Grassland continued to use this historic source of water. Grassland stopped using this source of water in the fall of 1985. This unforeseen emergency left Grassland with a critical water deficiency.
5. Grassland encompasses the largest tract of native grasslands remaining in the San Joaquin Valley. The State's wetlands have dwindled from 5,000,000 to 300,000 acres. Grassland comprises 17 percent of this remaining

acreage. Preservation of Grassland is one of the U.S. Fish and Wildlife Service's highest priorities in its overall waterfowl habitat preservation program. The water supplies sought under this application are needed to protect this resource and the public welfare.

6. Water proposed to be diverted by Grassland under this permit would be used to maintain existing habitat, maintain salt balance in this flow through marsh land area and to circulate existing water supplies to help prevent waterfowl diseases such as avian cholera. It will be drained off and discharged back into the Mud and Salt Sloughs and ultimately into the San Joaquin River System upstream of the Merced River. The discharge will take place approximately one week after the diversion of water takes place. The applicant will drain the land while the San Joaquin River is carrying "flood flows".

Effect of the Diversion on Any Lawful User of Water and the Rights of
Downstream Users

7. Staff contacted the South Delta Water Agency (an association of downstream prior right holders) prior to issuance of conditional temporary Permit 19806. The agency representative indicated that they would not object to the proposed use of water provided diversion and discharge of return flows take place when the flows in the San Joaquin River at Vernalis are in excess of 2,000 cfs, and the diversion of water does not extend past June 1. The petitioner is agreeable to this condition and Term 6 was included in the permit and will remain in effect during this renewal.

8. Staff has contacted representatives of the CCID, Firebaugh Canal Company and the U. S. Bureau of Reclamation (Bureau) prior to issuance of conditional temporary Permit 19806. None of these water users object to the proposed diversion provided water flowing into Mendota Pool is sufficient to meet existing water demands. They proposed that such conditions exist whenever the Bureau is not required to deliver water from its Tracy Pumping Plant via the Delta Mendota Canal to meet water demands from the pool. CCID is willing to allow Grassland use of its facilities to convey the water sought by Grassland. The petitioner is agreeable to the condition set forth above and Term 7 was included in the permit and will remain in effect during the renewal.
9. Engineering staff reviewed available records, files and decisions which relate to the availability of water from the source at the proposed points of diversion to serve the proposed diversion during the period requested and recommended inclusion of Standard Permit Terms 91 and 93 in the renewal order to protect prior rights in the event that water ceases to be available under this permit prior to June 1, 1986.
10. Provided the above conditions are met, water can be diverted during the period requested under the renewal of condition temporary Permit 19806 without injury to downstream water users.

Effects of the Proposed Diversion on Fish, Wildlife and Other Instream Uses

11. Staff has contacted representatives from Department of Fish and Game (Fish and Game). The Fish and Game representatives believe that the proposed water diversion and discharge of return flows will not unreasonably affect fish, wildlife or other instream beneficial uses provided the quality of

water in the San Joaquin River at the point of discharge does not exceed 5 ppb of selenium. Board staff calculations indicate that a flow of 1500 cfs is needed for dilution to less than 5 ppb of the expected selenium loads from upslope agricultural areas and the small additional load expected from the Grassland. The Department stated that minimum flows in the San Joaquin River at Lander Avenue of 1,500 cfs at the time of discharge would satisfy their concerns. The applicant was agreeable to inclusion of Term 6 in Permit 19806 and it will remain in effect during the renewal.

Notice of Renewal of Conditional Temporary Permit 19806

12. Notice of the renewal was issued March 24, 1986. The following parties were contacted prior to issuance of the March 27, 1986 renewal order on Permit 19806.

- o Department of Fish and Game
- o Central Delta Water Agency
- o Bureau of Reclamation
- o Central California Irrigation District
- o Firebaugh Canal Company
- o Newhall Land and Farming Company

Objections to Renewal

13. Central Delta Water Agency objects to renewal of Temporary Permit 19806 unless the conditions set forth in Order WR 86-4, paragraphs 4 and 5 are added to the renewed permit. Order WR 86-4 approved reissuance of a temporary change in several permits of the U. S. Bureau of Reclamation. The Bureau's temporary change was authorized through April 7, 1986.

Commencing April 1 and running through the term of this permit, the permits of the Bureau and of the Department of Water Resources are subject to a maximum fourteen day running average electrical conductivity of 0.45 millimhos at four locations in the Western Delta and Interior Delta, under Water Right Decision 1485. Since the Bureau and the Department must meet these standards, and since diversion of water under this permit is authorized only when the flow in the San Joaquin River at Vernalis is greater than 2,000 cfs and the flow in the San Joaquin River at Lander Avenue is greater than 1,500 cfs, we do not expect that the electrical conductivity will be greater than 0.45 millimhos at the locations specified by Central Delta Water Agency while Grasslands is authorized to divert water under this renewal. We have no evidence that this electrical conductivity will be exceeded at the two stations not listed in Decision 1485 when the flows in the San Joaquin River are at or above the flows required in the permit. Nor do we have evidence that there will be a significant effect on electrical conductivity levels in the San Joaquin River as a result of this permit renewal. Consequently, Central Delta's objection is dismissed.

Findings Concerning the California Environmental Quality Act

14. An environmental analysis has shown that the proposed appropriation of water will assist in maintaining and enhancing natural waterfowl resources and that no significant effect on the environment will result. A Notice of Exemption was filed by the Chief of the Division of Water Rights on March 28, 1986.

15. Staff explained the foregoing situation to Board Member Samaniego and recommended approval of the renewal. Board Member Samaniego concurred with the staff recommendation and signed the renewal order for conditional Temporary Permit 19806 on March 27, 1986.

ORDER

IT IS HEREBY ORDERED that the Order dated March 27, 1986, renewing conditional Temporary Permit 19806 is validated subject to the terms and conditions set forth therein and in Temporary Permit 19806.

CERTIFICATION

The undersigned, Interim Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1986.

AYE: Darlene E. Ruiz
E. H. Finster
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: None

ABSTAIN: None



Raymond Walsh
Interim Executive Director

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